

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR14-0113JLR

Plaintiff,

V.

MICHAEL A. RILEY,

ORDER

Defendant.

Before the court is Defendant Michael A. Riley’s second motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1). (Mot. (Dkt. # 158).) Mr. Riley is represented by counsel. (See CJA Appt. (Dkt. # 157).) As such, Mr. Riley may file a *pro se* motion unless he complies with the requirements of Local Civil Rule 83.2(b). See Local Rules W.D. Wash. LCrR 1(a) (adopting Local Rules W.D. Wash. 83.2(b) for criminal proceedings); see also *id.* LCR 83.2(b)(5) (requiring a represented party that seeks to appear or act *pro se* to “request[] by motion to proceed on her own behalf, certif[y] in the motion that he or she has provided copies of the

1 motion to his or her current counsel and to the opposing party, and [receive from the
2 court] an order of substitution by the court terminating the party's attorney"); *United*
3 *States v. Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981) ("A criminal defendant does not
4 have an absolute right to both self-representation and the assistance of counsel. . . .
5 Whether to allow hybrid representation remains within the sound discretion of the trial
6 judge."); *United States v. Durden*, 673 F. Supp. 308, 309 (N.D. Ind. 1987) (citing
7 *Halbert*, 640 F.2d at 1009) (exercising the discretion to decline to consider a represented
8 criminal defendant's *pro se* motion). The court directs Mr. Riley and his current counsel
9 to discuss Mr. Riley's current situation and the relief he requests.

10 Because Mr. Riley improperly filed his motion *pro se*, the court STRIKES the
11 second motion for compassionate release (Dkt. # 158) without prejudice to refiling after
12 compliance with the court's Local Rules concerning *pro se* representation.

13 Dated this 17th day of June, 2020.

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16 JAMES L. ROBART
17 United States District Judge
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